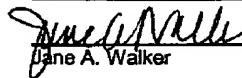


PATENT

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being deposited via facsimile to Mail Stop Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313-1450, Technology Center 1600 Attention: Examiner Chih-Min Kam, Ph.D, at fax number 703 872 9307 on

September 19, 2003


 Jane A. Walker
 September 19, 2003

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 09/838,968
 Applicant: Michael B. Foster
 Confirmation No.: 1662
 Filed: April 20, 2001
 Title: **METHOD OF OPTIMIZING GROWTH
HORMONE REPLACEMENT**
 Examiner: Kam
 Art Unit: 1653
 Attorney Ref. No.: RENAS-03



Cincinnati, Ohio

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 P.O. Box 1450
 Alexandria, VA 22313-1450

SEP 22 2003

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed May 19, 2003 finally rejecting claims 1-3, 5-11 and 13-16.

The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

other than a small entity.
 a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/>	small entity	\$160.00
<input type="checkbox"/>	other than a small entity	\$320.00

Notice of Appeal fee due \$160.00

Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00
<input type="checkbox"/> fifth month	\$1,970.00	\$985.00

Fee \$55.00

Attached is a check in the amount of \$_____ for the one month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.

OR

(b) _____ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

3. Total Fee Due

The total fee due is:

Notice of Appeal fee	<u>\$160.00.</u>
Extension fee (if any)	<u>\$ 55.00.</u>

Total Fee due \$215.00

4. Fee Payment

Attached is a check is the sum of _____

The Commissioner is hereby authorized to charge the amount of \$215.00 for the appeal fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

5. Fee Deficiency

Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By Beverly A. Lyman
Beverly A. Lyman, Ph.D.
Reg. No. 41,961

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324
(513) 421-7269 (facsimile)

K:\RENAS\03\notice of appeal.wpd

WOOD, HERRON & EVANS, L.L.P.

JOHN D. POFFENBERGER
 BRUCE TITTEL
 DONALD F. FREI
 DAVID J. JOSEPHIC
 DAVID S. STALLARD
 J. ROBERT CHAMBERS
 GREGORY J. LUNN
 KURT L. GROSSMAN
 CLEMENT H. LUKEN, JR.
 THOMAS J. BURGER
 GREGORY F. AHRENS
 WAYNE L. JACOBS
 KURT A. SUMME
 KEVIN G. ROONEY
 KEITH R. HAUP
 THEODORE R. REMAKLUS
 THOMAS W. HUMPHREY
 SCOTT A. STINEBRUNER
 DAVID H. BRINKMAN

OF COUNSEL
 THOMAS W. FLYNN

2700 CAREW TOWER
 441 VINE STREET
 CINCINNATI, OHIO 45202-2917
 TELEPHONE: 513-241-2324
 FACSIMILE: 513-241-6234
 EMAIL: info@whepatent.com
 PATENT, TRADEMARK, COPYRIGHT
 AND UNFAIR COMPETITION LAW
 AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
 TRUMAN A. HERRON 1935-1976
 EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
 C. RICHARD EBY
 DAVID A. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
 BEVERLY A. LYMAN, PH.D.
 KATHRYN E. SMITH
 KRISTI L. DAVIDSON
 P. ANDREW BLATT, PH.D.
 DAVID E. JEFFERIES
 WILLIAM R. ALLEN, PH.D.
 JOHN PAUL DAVIS
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 BRETT A. SCHATZ
 DAVID W. DORTON
 G. PRABHAKAR REDDY
 SARAH OTTE GRABER
 LARRY D. MOORE

WESLEY L. STRICKLAND (VA, DC BAR ONLY)

TECHNICAL ADVISORS
 HENRY M. LABODA, PH.D.

OFFICIAL

FACSIMILE COVER SHEET

TO: Commissioner for Patents
 ATTN: Examiner Kam

RE: Serial No. 09/838,968

FROM: Beverly A. Lyman,
 Esquire

RE: Our Ref.: RENAS-03

Fax No.: 1 703 872 9307

Pages (including cover page): 7

Date: September 19, 2003

OFFICIAL

Attached for filing is Applicant's Notice of Appeal form the Primary Examiner to the Board of Appeals. Thank you.

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being delivered via facsimile to 703
 872 9307, ATTN: Examiner Kam, on September 19, 2003.

Jane A. Walker Jane A. Walker September 19, 2003
 Jane A. Walker Date